



JAMES A. NOYES, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
www.ladpw.org

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

June 18, 2002

IN REPLY PLEASE  
REFER TO FILE: PD-0

TO: Each Supervisor

FROM: James A. Noyes  
Director of Public Works

### **FLOOD CONTROL BENEFIT ASSESSMENT PUBLIC HEARING FISCAL YEAR 2002-03 ASSESSMENT**

In accordance with your instruction at the May 28, 2002, Public Hearing conducted by your Board (Synopsis 27), we have investigated Mr. Fritiz Tegatz' concerns regarding the Flood Control District Benefit Assessment. The subject hearing was continued to June 25, 2002.

Attached is a draft letter that we propose to send to Mr. Tegatz. This letter addresses the issues raised by Mr. Tegatz at the May 28, 2002, hearing. If you have any questions, please call me or your staff may call Mr. Patrick V. DeChellis, Assistant Deputy Director, at (626) 458-3900.

WJW:nr  
C012325  
A:\BOARD MTG TEGATZ.wpd

Attach.

cc: Auditor Controller  
Chief Administrative Office  
County Counsel  
Executive Office

## **DRAFT**

June 17, 2002

Mr. Fritz Tegatz  
Middle Ranch Limited  
11700 Little Tujunga Canyon Road  
Sylmar, CA 91324

Dear Mr. Tegatz:

### **FLOOD CONTROL DISTRICT ANNUAL BENEFIT ASSESSMENT FISCAL YEAR 2002-03 PUBLIC HEARING RESPONSE TO TESTIMONY**

We have reviewed the testimony that you provided at the Public Hearing held by the Board of Supervisors on May 28, 2002, for the Fiscal Year 2002-03 Flood Control District Benefit Assessment and have the following to report.

We prepared Attachment A, which lists all your parcels of land and shows how the benefit assessment for each parcel was calculated using the corresponding acreage and runoff factor. Please note that we found that the area for Parcel No. 2526-025-013 to be incorrect. We verified the area to be 1.44 acres instead of 6.58 acres and have revised the assessment on this parcel from \$56.62 to \$12.39. A refund of the overcharges that you have previously paid will take approximately two months for us to process.

It also appears that some of your parcels may have experienced additional development since the last time they were examined in connection with the assessment. We would appreciate any information that you might have on the parcels shown below so we can complete our review of the benefit assessment charge for each.

Map Book	Page	Parcel	Revised Zone	Acreage	Developments
2526	024	028	1	39.6500	Partially Developed
2581	024	003	1	20.0000	Partially Developed
2581	026	001	1	45.7800	Partially Developed
2581	026	002	1	3.6300	Partially Developed
2581	026	003	1	3.8199	Partially Developed
2581	026	007	1	125.1000	Partially Developed
2526	025	012	1	39.3600	Partially Developed

Mr. Fritz Tegatz  
June 17, 2002  
Page 2

You are correct that there are no flood control facilities either upstream or on your properties; however, your properties do contain some areas that are developed. These areas create stormwater runoff, which is discharged into the watershed and create a burden on downstream flood control facilities. The Benefit Assessment Act of 1982, which is the basis for this benefit assessment, provides that, "in the case of a benefit assessment for flood control services, the benefit may be determined on the basis of proportionate stormwater runoff from each parcel." [Government Code, Section 54711(a)(1)]. The flood control services, which the benefit assessment revenues pay for, include the control and conveyance of the runoff from the properties within the watershed including your own.

The Flood Control Benefit Assessment Report for Fiscal Year 2002-03 was filed with the Board of Supervisors on April 2, 2002, in preparation for the Public Hearing. At your request, we recently sent you a copy of this report. It does include the information that is necessary for the Board of Supervisors to consider for determination if the assessment should be continued. It also includes sufficient information for each parcel of land that is to be assessed to calculate the specific assessment.

Lastly, you have asserted that the use of benefit assessment revenues to pay for costs related to compliance with the Clean Water Act would violate Government Code Section 54711(a)(3). The Flood Control District's operation of its storm drain system is directly regulated by the provisions of the Clean Water Act and the regulations derived therefrom. Compliance with these provisions, therefore, is integral to the continued operation of the system and the Flood Control District's ability to continue providing flood control services. Accordingly, use of benefit assessment revenues to pay for costs related to the Flood Control District's compliance with these provisions would not violate Government Code Section 54711 (a)(3).

If you have any questions, please contact Mr. Patrick V. DeChellis at (626) 458-3900.

Very truly yours,

JAMES A. NOYES  
Director of Public Works

RONALD J. ORNEE  
Chief Deputy Director

MD:  
C012325/A:\BOARD MTG TEGATZ.wpd

Enc.

cc: Each Supervisor, County Counsel (Mark Yanai)